



Problem-Solving Courts Committee Meeting

November 3, 2006

Minutes

I. Welcome and Introductions

The Committee Chair, Judge Shaheed, opened the initial meeting of the Problem-Solving Courts Committee at approximately 10:00 a.m. and as all members are new to this committee, asked everyone to introduce themselves. Members in attendance included: Judge Brugnaux, Judge Conn, Judge Goff, Judge Surbeck, Judge Trockman, Commissioner Christ-Garcia, Magistrate Renee Cain, Jamie Bergacs, Shelia Hudson, and Don Travis. Others present included Cheri Harris and Mary Kay Hudson. Members not present included Judge Blau, Judge Todd, Judge Witte and Paul Southwick.

II. Committee mission statement

Judge Shaheed described the meeting that he, Judge Surbeck, Jane Seigel and Mary Kay Hudson had with Chief Justice Shepard on October 25, 2006 regarding the committee's mission. Judge Shaheed stated that Chief Justice Shepard proposed the committee's mission include assisting courts in developing new techniques to improve outcomes, encouraging judges to try new initiatives in their jurisdictions, and developing a catalog of problem-solving initiatives existing in Indiana and nationally. Judge Surbeck noted that the Chief Justice encouraged the committee to focus on outcomes such as changes in conduct rather than on imposing processes and to identify ways to incorporate problem-solving theories into mainstream courts.

Judge Shaheed requested volunteers to serve on a subcommittee to draft a mission statement. He recommended that the subcommittee consider: (1) the CCJ/COSCA outline of Actions in Support of the Elements of Problem Solving Courts; (2) concepts identified in the Center for Court Innovation's article "Problem-Solving Courts: A Brief Primer;" and (3) their own experience in operating or staffing a problem solving court. Committee members Judge Conn, Commissioner Christ-Garcia, and Sheila Hudson agreed to serve on the subcommittee and report back at the next meeting.

III. Committee structure

Judge Shaheed mentioned that Judge Blau will serve as chair of the Drug Court Subcommittee and would continue in that capacity.

He asked Judge Surbeck to head up a subcommittee or workgroup to oversee the drafting of rules and creation of a certification procedure for reentry courts. Sheila Hudson, Judge Brugnaux, Judge Conn, and Don Travis

agreed to serve on that subcommittee or work group. Judge Shaheed asked Cheri Harris to work with this group.

Because funding is a pervasive issue that will be coming before the legislature this year, he also created a "Rapid Response Team" to address funding and other legislative issues as they move through the legislature. Initial funding issues for this group to consider include: (1) developing a variety of funding strategies in the event one doesn't survive; (2) how to distribute funding once it is obtained -- whether to create a formula, block grant, or need based approach, or an approach that combines each of these; (3) whether a different fee structure for participants that is similar to probation user fees might be effective; (4) how to become included as part of whatever funding approach the Forensic Diversion Study Committee adopts; (5) the role of local bench, bar, and local funding, particularly with regard to mainstreaming problem-solving approaches; (6) the possibility of obtaining access to federal disability funding benefits that are available to individuals to help fund case management of those individuals; and (7) whether to tie funding to cooperation with other government entities or require a court to come up with matching funds. **Did we identify members for this group?**

IV. Committee interface with the Department of Correction

The Committee discussed the importance of keeping DOC on board and involved in the development of these ideas. Judge Shaheed reported that he and Judge Surbeck met with Commissioner Donohue earlier that day, and the Commissioner had agreed to provide a designee to attend committee meetings or to be brought in after the committee has dealt with early organizational issues. The Committee agreed that DOC would need to be a key participant at some point but decided DOC presence is not required during the first several meetings until the committee has some substantive information for DOC's feedback.

Commissioner Donahue advised Judges Shaheed and Surbeck that under current sentencing patterns, DOC has capacity until 2009. Successful re-entry and forensic diversion programs could extend that date by changing sentencing patterns.

V. Update on the drug court evaluation project

Mary Kay Hudson presented the Interim Report from NPC Research. NPC has indicated that challenges in gaining access to comparison group data will cause a delay in NPC's ability to complete the project by the December 31, 2006 deadline. NPC is working with IJC staff to prioritize production of key information needed to support budget requests.

The committee discussed importance of a stable funding source to planning for and maintaining existing problem-solving courts, and for encouraging new problem-solving courts. Committee discussed the reduction of Justice Assistance Grant funding available through IJCI in 2007 and the impact the reduction will have on drug courts' ability to obtain grant funds.

VI. Update on the Forensic Diversion Study Committee

Members of the Forensic Diversion Study Committee noted that the interim report from that committee identifies funding as the major hurdle limiting the expansion of Forensic Diversion programs. As a result a core group of legislators already recognize the need for funding in this area and have committed to work on finding a solution to the funding problem. The forensic diversion study committee has formed a work group to identify the amount of funded needed to support existing and new forensic diversion programs. The forensic diversion work group was scheduled to meet later that afternoon. Sheila Hudson will be attending that meeting.

VII. Strategies for increasing the number of problem-solving courts

The committee acknowledged that developing a catalog of problem-solving initiatives and identifying funding solution are critical first steps in increasing the number of problem-solving courts in Indiana. Judge Goff mentioned that figuring out a regional or multi-county approach would allow smaller counties to participate in the benefits more easily. Mary Kay Hudson noted that she and Cheri Harris have a planning session scheduled for next week with a judge and coordinator who are proposing to start the first multi-county juvenile drug court. Working out the jurisdictional issues in that setting is likely to help identify what is needed to create cross-jurisdictional models for other counties.

VII. Developing the reentry court certification program

Judge Shaheed appointed a subcommittee to address this issue. As mentioned under the heading "Committee Structure" above, that subcommittee will be chaired by Judge Surbeck and include Sheila Hudson, Judge Brugnaux, Judge Conn, and Don Travis. Cheri Harris will assist the group.

VIII. Catalog of problem-solving courts

The Chief Justice has recommended the Committee compile a catalog of problem-solving courts to identify what programs currently exist in Indiana, how they differ from one another, and to suggest other ways the problem-solving model could be applied or has been applied outside of Indiana.

Judge Shaheed asked Mary Kay Hudson to start assembling a list of drug courts, reentry courts, forensic diversion programs, and other problem-solving courts around the state. Mary Kay asked committee members to provide her with any information they might have about programs in their home county or neighboring counties that might qualify. Once the committee has this information, members can begin to identify common themes and elements. Judge Shaheed stated that the catalog of problem-solving courts should include national models to provide ideas to judges who may be interested in something that has not yet been tried here.

- IX. Proposed Legislation from the Sentencing Policy Study Committee**
Mark Goodpaster, a fiscal analyst from Legislative Services Agency, asked the committee to consider the fiscal impact of legislation proposed by the Sentencing Policy Study Committee (LS 6142, 2007) regarding the community transition program and reentry courts. The proposed legislation would lengthen the number of days that a reentry court participant can be on CTP, remove the offender's option to delay or decline CTP, and require to the Department of Correction to train CTP employees how to conduct a disciplinary proceeding. The committee discussed how the legislation would affect existing reentry courts and raised questions about whether the termination process outlined in SECTIONS 8 and 9 of the bill might cause some confusion by appearing to designate Community Corrections in SECTION 8 and DOC in SECTION 9 as the entity responsible for terminating a person from CTP.
- X. ISBA Civil Rights of Children proposed legislation**
Committee members next discussed legislation proposed by ISBA's Civil Rights of Children Committee (31-32-2-2.5 Statements and information obtained during screening, assessment, evaluation, or treatment). Mary Kay Hudson reported that the ISBA had provided a previous draft of this legislation to the Juvenile Justice Improvement Committee, and that this draft incorporated that committee's comments. Members questioned whether the proposed language might have unintended results such as undercutting the rehabilitative premise of the juvenile system, or resulting in release of a juvenile who may have shared information (such as homicidal or suicidal thoughts or tendencies) that would indicate release was not in the best interest of safety or of the juvenile. Discussion touched on the ways in which this language is not consistent with federal rules on confidentiality of substance abuse information. The Committee suggested that it might be possible to simplify the language by making the information admissible, but not allowing it to be used as a statement against interest. Members also expressed concern about how this would interfere with preliminary inquiries, and whether it would limit the use of informal adjustments. Mary Kay Hudson will communicate these concerns to her contact at ISBA.
- XI. Committee meeting schedule**
The Committee will meet again on January 12, 2007, from 1:00 pm to 3:00 pm.
- XII. Adjourn**
Judge Shaheed adjourned the meeting at approximately 12:15 pm.